



Town of Arlington, Massachusetts
730 Massachusetts Ave., Arlington, MA 02476
Phone: 781-316-3000

webmaster@town.arlington.ma.us

Selectmen's positions on Special TM

REPORT OF BOARD OF SELECTMEN SPECIAL TOWN MEETING

MAY 5, 2003

The Board of Selectmen is pleased to present its recommended final votes and comments for the Special Town Meeting on May 5, 2003. The Board commends these votes to you for the Town Meeting's consideration.

ARTICLE 2 SYMMES HOSPITAL SITE PLAN

To see if the Town will vote to include in any plan for the Symmes Hospital site the following plan of the Arlington Housing Authority: to acquire up to 1.5 acres of land and to construct thereon elderly housing and/or housing for the disabled not to exceed 75 units with approximately 50 of those units to be affordable, the cost of same to be borne by the Authority, its successors and/or its assigns, or take any action related thereto.

(Inserted at the request of the Arlington Housing Authority)

VOTED: That no action be taken under Article 2 of the Warrant. (4-1)
Mr. Hurd voted in the negative.

COMMENT: This article was submitted by the Arlington Housing Authority (AHA) and proposes that the Town Meeting endorse the acquisition of up to 1 to 1.5 acres of the Symmes site by the AHA. The AHA proposes to construct for elderly and/or disabled individuals up to 75 units with approximately 50 to be affordable. The cost of the acquisition and construction would be borne by the AHA. The Board of Selectmen, consistent with its stated policy of encouraging affordable housing on the site, is very supportive of scenarios that advance its stated goal of supporting affordable housing on the site. However, the Board is persuaded to follow the advice of the Symmes Advisory Committee and the Arlington Redevelopment Board to respectfully oppose favorable action under this article. Both, while seeing a very real potential for Arlington Housing Authority participation on the site during the development process, believe that to carve out a section of the site in an undetermined area prior to seeking development proposals would prove disruptive of securing first class proposals for the site. The Committee and the ARB believe that designating now a portion of the site for the Housing Authority use would diminish the potential for creative development proposals by limiting the potential flexibility of development plans, and recommends that the site be developed under the direction of the Arlington Redevelopment Board through an integrated and unified planning process that can include the interests of the AHA. The Board of Selectmen joins the Committee and the ARB in its belief that the Arlington Housing Authority's proposal could form the basis of adding to the affordable housing aspect of the residential mix on the site and could even serve as an "anchor tenant" for any future development. However, it is better to let the developer find a way of incorporating this use as part of the general development scheme. The Arlington Housing Authority proposal will be included as an appendix to the Redevelopment Board's request for proposal process. In summary, the Board applauds the Arlington Housing Authority's offer to participate as a presence on the site but suggest that favorable action on this article is premature and might constrain a broad range of creative proposals for development.

ARTICLE 3 REPORT/SYMMES ADVISORY COMMITTEE

To see if the Town will vote to receive the report of the Symmes Advisory Committee, to take action on any of its recommendations regarding, without limitation, the adoption of standards, or other guiding principles that would control or enhance the development scheme for the site, including utilization of a portion of the property for cemetery uses, to make recommendations thereon to the Redevelopment Board for incorporation in the Board's disposition process, to amend the Symmes Arlington Conservation and Improvement Project, Arlington, Massachusetts Urban Renewal Plan (approved by a vote of 141 in the affirmative and 21 in the negative under Article 2 of the Special Town Meeting of January 16, 2002), and further that Article 77 of the 2001 Annual Town Meeting establishing the Symmes Advisory Committee as amended by Article 2 of the January 16, 2002 Special Town Meeting be further amended so as to extend its tenure or otherwise modify its charge, to file Home Rule legislation to authorize the Assessors after the payment of any indebtedness incurred by the Town related to the project, to decrease the tax rate in an amount over a period of time to offset any increases in the tax rate that were a direct result of monies expended for this project, or take any action related thereto.

(Inserted at the request of the Symmes Advisory Committee)

VOTED: It is hereby voted by the Town as follows:

Whereas the 2001 Annual Town Meeting voted under Article 77 to establish the Symmes Advisory Committee to advise and assist the Board of Selectmen, the Town Manager, the Arlington Redevelopment Board and the Town Meeting in determining the appropriate uses for the Symmes Campus, and

Whereas the Town has adopted the Symmes Arlington Conservation and Improvement Project, Arlington, Massachusetts Urban Renewal Plan (approved by a vote of 141 in the affirmative and 21 in the negative under Article 2 of the Special Town Meeting of January 16, 2002), and

Whereas that Article 77 of the 2001 Annual Town Meeting establishing the Symmes Advisory Committee was amended by Article 2 of the January 16, 2002 Special Town Meeting, and

Whereas the Symmes Advisory Committee

Has met regularly since July 2001, and

Has adopted the Arlington Board of Selectmen Policy Statement on the Symmes Campus, regarding open space and public use, affordable housing, medical use, commercial use, residential use and fiscally benevolent impact, and

Has held over 100 public meetings, and

Has worked extensively and continuously in concert with the Arlington Redevelopment Board since January 16, 2002, and acted and managed a broad-based community outreach process, including a town-wide survey, four public workshops explaining the work of the Committee and the Arlington Redevelopment Board, and

Has retained the services of the professional urban design consulting firm Vanasse Hangen Brustlin, and with the advice of said firm has undertaken extensive site inventory, technical analysis, market review and analysis, and examination of alternative possible uses and their impact, and development of a comprehensive economic model for evaluating the fiscal implications of alternative development scenarios on the Town, and

Has presented the comprehensive work product of the Committee to the Town and the public through various meetings and its web-site, and

Has presented its report and recommendations to this Town Meeting,

Therefore, the Town votes as follows:

Accepts and fully endorses the work of the Symmes Advisory Committee, and its Report (the

"Report") as provided with its references and appendices, including its recommendations, guidelines, standards, preferences and requirements, and

Recommends that the Town Manager, the Board of Selectmen and the Finance Committee undertake their best efforts to follow and adhere to the recommendations of the Report, and

Requests, accepts and endorses the Vote of the Arlington Redevelopment Board of April 28, 2003, under which the Arlington Redevelopment Board endorses the Report, and will undertake its best efforts to follow and implement its recommendations, guidelines, standards, preferences and requirements in its preparation of Requests for Proposals for the site and in its management, redevelopment and disposition of the site, and

Requests that the Arlington Redevelopment Board report on its activities with respect to the site and on the status of its efforts at each Regular or Special Town Meeting until the Urban Renewal project is formally closed, and

Requests that the Symmes Advisory Committee continue to provide its advice and assistance as authorized under Article 77 of the 2001 Annual Town meeting and Article 2 of the Special Town Meeting of January 16, 2002 until such time as the Urban Renewal project is formally closed or the Symmes Advisory Committee requests its own dissolution, whichever comes earlier.

(4-0)

Mr. Lyons exited to attend another meeting before vote taken.

COMMENT: The Board of Selectmen enthusiastically supports this vote calculated to place the Town on record as endorsing and supporting the exemplary work of the Symmes Advisory Committee. After hundreds of meetings in which a transparent, open, deliberative process was utilized, the Committee has established various recommendations, guidelines, standards, preferences, and requirements that will serve as a framework by which the Arlington Redevelopment Board can proceed to develop the Symmes site. Town Meeting members will have received a separate set of documents from the Committee, which will provide voluminous information detailing the process for reaching its conclusions and detailed information concerning its recommendations. The Board wishes to compliment the Symmes Advisory Committee and the Redevelopment Board for their prodigious efforts in obtaining consensus on this vitally important Town project. The Board strongly endorses the work of the Symmes Advisory Committee and commends it to the favorable consideration of Town Meeting.

ARTICLE 4

SYMME'S URBAN RENEWAL PLAN

To see if the Town will vote to amend the Symmes Arlington Conservation and Improvement Project, Arlington, Massachusetts Urban Renewal Plan, approved (by a vote of 141 in the affirmative and 21 in the negative) under Article 2 of the Special Town Meeting at the session held on January 16, 2002, as follows:

In Section II PROJECT PROVISIONS Subsection, A. Objectives of the Plan, number 10, by amending the objective to read as follows:

10. To provide market rate and affordable housing opportunities to take advantage of the many amenities of the site which are prerequisites for successful residential development;

and by adding a new number 12 as follows:

12. To increase the floor area of medical uses on the site beyond the 30,000 square feet currently in use in order to expand the level of medical services available in Arlington;

and by amending Subsection C. Land Use Proposals by inserting the words "new construction and/or" between the words "to promote" and "the conservation" to make the paragraph read as follows:

C. Land Use Proposals

It is the intent of the plan to promote new construction and/or the conservation and improvement of the existing buildings within the project area by encouraging the renovation and rehabilitation of existing structures for commercial, office, residential, medical and public use;

and by amending Subsection D. Development Controls Applicable to All Parcels by adding the following after Exhibit I in the sixth line "shall control as same may be amended," to make the paragraph read as follows:

D. Development Controls Applicable to All Parcels

The Zoning Bylaw of the Town of Arlington as amended (including the provisions therein for special permits and variances but not including provisions for nonconforming uses) will control all use and development in the Symmes Arlington Conservation and Improvement Project. The Bylaw in effect on this date attached as Exhibit I shall control as same may be amended; and by amending the Disposition Plan dated 1/7/02 by changing the parcel designated Housing Parcel H-1 to Mixed Use Parcel MU-2, or take any other action relating thereto.

(Inserted at the request of the Arlington Redevelopment Board)

VOTED: That the Board of Selectmen supports the proposed vote of the Arlington Redevelopment Board for amendments to the Symmes Arlington Conservation and Improvement Project. (4-0)
Mr. Lyons exited to attend another meeting before vote taken.

COMMENT: The Board supports the Redevelopment Board's proposed changes to the Urban Renewal Plan adopted under Article 2 of the January 2002 Special Town Meeting. The amendments to the plan form an integral part of proceeding with the development of the site and strongly supports the ARB vote to amend the plan.

ARTICLE 5**WETLANDS BYLAW VARIANCE PROVISIONS**

To see if the Town will vote to amend Article 8 – Wetlands Protection of Title V of the Bylaws so as to provide the Conservation Commission with the authority to grant a variance in those situations where strict adherence to provisions of the bylaw would result in an extreme hardship, or take any action related thereto.

(Inserted at the request of the Superintendent of Schools, the Director of Planning and Community Development, and the Town Counsel)

VOTED: That Article 8 of Title V of the Bylaws – Wetlands Protection be and hereby is amended by adding a new Section 17 entitled Variance thereto to provide as follows:

"Section 17 Variance

The Commission may vary any provisions of this bylaw relating to providing compensatory storage for flood storage volume that will be lost as a result of a proposed project within a flood plain when strict adherence thereto would constitute a substantial hardship on the applicant. The Commission may not issue a variance when to do so would derogate in a substantial way from the overall purpose of this bylaw. Notwithstanding the foregoing, the Commission may not issue any variance the effect of which would be to advance or in any way facilitate the building of any above-ground structures, except for minor recreational improvements (such as bleachers, lighting, and scoreboards). The effective date of this section shall be as provided in Section 32 of Chapter 40 of the General Laws and shall expire on June 30, 2004; provided, however, that any variances granted by the Commission prior to such expiration date shall be valid for the time period specified in such approval."

(3-1)

Mrs. Mahon voted in the negative.

Mr. Lyons exited to attend another meeting before vote taken.

COMMENT: The Board supports this article filed at the request of the Superintendent of Schools, Director of Planning and Community Development, and Town Counsel to address a situation that has arisen as a result of the

clean up of Peirce Field (the "site"). The Town Meeting has previously voted to support a negotiated settlement with the successors in interest (the "industrial parties") to certain now defunct companies that contributed to contamination of various industrial waste products on the site, including manufactured gas byproducts and chromium. There also exists petroleum products on the site related to the use by the Town of certain portions of the site as the Town Yard.

The crux of the negotiated settlement is that the industrial parties will bear 100 percent of the cost of the clean up of the site up to a limit of \$7.2 million. Another aspect of the settlement is that the industrial parties will reimburse the Town up to \$2.67 million or the construction of an athletic facility on the site. Under the settlement, the industrial parties will excavate certain areas of elevated contamination, construct an engineered barrier or direct contact cap over contaminated areas, raise the elevation of the field by adding clean fill, and reconstruct the playing fields. The proposed cleanup actions will be protective of human health and the environment, and will be implemented in accordance with the provisions of state law and under the supervision of a site professional that is licensed by the state.

Much of Peirce Field is in a flood plain as determined by the Federal Emergency Management Administration ("FEMA"). Because the cleanup would raise the elevation of the field, both the Town's Wetland Protection Bylaw and the State's Wetland Protection Act regulations require that compensatory flood storage be provided for the volume of flood water that would be displaced by the increased elevation. The Town Wetlands Protection Bylaw currently requires that compensatory storage be provided on a 2-to-1 basis, while the State's regulations require compensatory storage to be provided on a 1-to-1 basis. Unlike the Town's Bylaw, however, the State's regulations allow the compensatory storage requirement to be waived if the Commission determines that the loss of the flood plain area in question would not cause an increase and will not contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

The Town has secured engineering studies, coupled with a review of Town records and interviews with both Town employees and neighbors to the site, which have all led to the conclusion that the site has not experienced flooding. A historical review of the Storm of Record, Hurricane Diane of 1955, has revealed that no flooding occurred on the site. Nor did the site flood in the near record flood of 1996, even though the underground culvert containing the Mill Brook was then and is now partially blocked. In addition, because the Town has performed several flood plain mitigations projects on Mill Brook in the last several years (that is, removed restrictions and obstructions in the flood plain), an engineering analysis recently performed by the Town concluded that performance of the proposed cleanup actions would not raise the existing flood plain elevation as determined by FEMA.

The State Wetlands Protection Act allows the Commission to grant a variance in this case. However, unlike most communities that have local Wetlands Protection Bylaws, Arlington's Bylaw has no such provision. Unless the local bylaw provisions on flood plains can be amended to allow the Commission to grant a variance for the proposed cleanup activities, cleanup cannot occur as there is no place on or adjacent to Peirce Field where compensatory storage could be constructed. Without a variance, cleanup of the field will be delayed until a new cleanup plan is negotiated. It is likely that any new plan will take longer to implement, and will be substantially more expensive than the plan now proposed. There is a very real likelihood that the Town will be required to bear a significant portion of those additional costs. As such, the inability of the Commission to grant the variance will cause significant hardship to the industrial parties and the Town.

The Board is mindful of the reticence of some to grant variance powers to the Conservation Commission. In point of fact, the Town Meeting two years ago turned down a warrant article inserted by the Conservation Commission that would have provided for broader variance authority than is proposed now. The Board has carefully crafted the proposed vote to preclude the granting of a variance in support of any above ground construction in any other area of Town in the hopes of allaying these fears. Thus there is a reference to above ground construction to preclude the availability of a potential variance for any other projects in Town and also given that repairs will have to be made to the currently existing underground culvert on the site. In further response to these concerns, the Board supports a sunset provision essentially permitting the Conservation Commission to grant a variance only during the remediation plan window for Peirce Field. The Board strongly supports this proposed motion so as to allow cleanup of Peirce Field to proceed on schedule, and to preclude substantial future costs for the Town that would be associated with an alternate cleanup plan.